



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LACONIA ASSOCIATION OF SUPPORT  
STAFF; NEA-NEW HAMPSHIRE

Complainant

v

LACONIA SCHOOL BOARD

Respondent

CASE NO. C-0801:2

DECISION NO. 84-78

#### APPEARANCES

Representing Laconia Association of Support Staff  
Wally Cumings, UniServ Director, NEA-New Hampshire

Representing Laconia School Board  
Jay C. Boynton, Esquire

#### Also in attendance

Frank Poole  
James O. Anderson  
Richard H. Coggin, Jr.  
George Minior

#### BACKGROUND

On March 26, 1984 the Laconia Association of Support Staff, Laconia Education Association, NEA-New Hampshire (Association) filed improper practice charges against the Laconia School Board, its officers and agents (Board) charging that the School Board had refused to bargain in good faith with the Association. Specifically, the Association charged that the Board had adopted a new policy for the evaluation of custodial personnel and subsequently refused to negotiate that policy with the Association thereby violating RSA 273-A:5, I (a), (e) and (g) by "unilaterally implementing a change in policy and practice which impacts upon terms and conditions of employment."

The Laconia School Board admitted the adoption of new board policy but denied any violation of RSA 273-A arguing that the change simply included "the methodology of the employer regarding evaluations."

A hearing was held at the PELRB's offices in Concord, N.H. on September 11, 1984 with all parties represented.

#### FINDINGS OF FACT AND RULINGS OF LAW

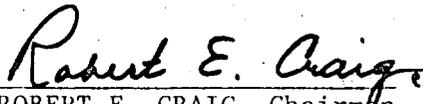
At the hearing testimony and documents established the following facts:

1. A valid agreement existed between the parties, which contract expired June 30, 1984 (presently at impasse);
2. There is no evaluation provision in the contract;
3. The School Board did adopt a new policy, #4625, on or about September 27, 1983;
4. New Board policy #4625 established that custodians would be evaluated once each year;
5. The parties are currently at impasse in their negotiations for a new contract; some discussion of evaluation had occurred this time but never before and not extensive now either;
6. The administrators had proceeded to develop forms necessary for the implementation of the new evaluation policy.

The School Board argues that the conduct of evaluation of employees is a "managerial policy within the exclusive prerogative of the public employer" (RSA 273-A:I, XI). The PELRB agrees. Evaluation of employees must be viewed as an exclusively managerial function involving the employer's control over the "functions, programs and methods of the public employer"....(RSA 273-A:I, XI). However, insofar as this new managerial policy may impact other effects, either "terms and conditions of employment", these other effects (under RSA 273-A:I, XI) must be proper subjects of negotiation.

#### DECISION

1. The PELRB declines to find an Unfair Labor Practice in this instance, and;
2. Orders the parties to negotiate any impact of the new policy on evaluation which may effect other "terms and conditions of employment".

  
ROBERT E. CRAIG, Chairman

Signed this 25th day of October, 1984.

By unanimous vote. Robert E. Craig, Chairman presiding; members James Anderson and Richard Roulx present and voting. Also present, Evelyn C. LeBrun, Executive Director.